

PROPOSED IMPROVEMENTS TO THE NEW YORK STATE ELECTRONIC EQUIPMENT AND REUSE ACT

The New York State Electronic Equipment Recycling and Reuse Act (Act) was implemented to manage the recycling costs associated with the fast-growing electronics waste stream. Although the Act has succeeded in increasing electronics recovery, the requirements for manufacturer collection are not keeping pace with the amount of e-scrap being collected. This results in unexpected costs to local governments and discontinuation of permanent collection sites. Insufficient manufacturer support is causing instability in the electronics recycling market, which is eroding the law's intent to provide free and convenient collection to all NYS residents.

These solutions, developed by the New York Product Stewardship Council, address the critical issues needed to stabilize New York's electronics recycling system:

1. Establish a performance standard of five (5) pounds per capita through 2017 and revert to the formula of the current statute after 2017.
2. Eliminate Business-to-Business material from the performance standard formula.
3. Direct the Department of Environmental Conservation (DEC) to set performance requirements based on two years prior data to the subject year.
4. Allow recyclers to petition DEC for mediation/arbitration if manufacturers do not cover the full cost of recycling.
5. Include provisions prohibiting manufacturers or their representatives from charging municipalities for e-scrap management.
6. Set a standard for items that weigh greater than 20 pounds that mail back programs alone do not constitute convenient collection from consumers.
7. Clarify that the convenience requirements for a geographic area shall be considered achieved if one manufacturer provides year-round support for collection that meet the requirements, provided that the collection site does not charge consumers a fee, or limit types of incoming e-scrap without providing other free collection accommodations for any e-scrap for which limitations are imposed.
8. Clarify that manufacturers are required to provide year-round, consistent support for collection sites included in their plans, regardless of whether their performance target has been met.
9. Establish in any county of 60,000 people or less, five (5) collection events per year can be considered to meet the convenience requirements.
10. Clarify that manufacturers are required to report to DEC when collection sites included in their electronic waste acceptance program (as provided in annual reports) cease collections or begin to charge for any CED as "material changes" to their programs.
11. Require e-scrap recyclers operating in the state to obtain third party certifications.
12. Delineate clear responsibilities for outreach and education including that manufacturers be required to implement outreach and education programs, in collaboration with their collection partners, and in cooperation with the DEC; such programs should be submitted to DEC for approval as a part of the annual reporting process.
13. Require that manufacturer annual reports provide the same information from out-of-state recyclers managing materials collected in New York as required from in-state recyclers.